

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS,	.
	.
Plaintiffs,	.
	. Case Nos. 11-cv-06994,
vs.	. 12-2298, 12-2299, 11-6995,
	. 12-2300, 12-3784
CITY OF NEWARK, et al.,	.
	. Newark, New Jersey
Defendants.	. April 30, 2014
	.

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 (Commencement of proceedings at 10:53 A.M.)

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3 THE COURT: I'm sorry. We're on the record. It is
4 April 30th at approximately 5 to 11 in the morning. We're
5 here.

6 (Interruption in proceedings)

7 THE COURT: All right. Good. Is there a mic?
8 Yeah, good. Can you turn the mic towards the phone that's
9 down there? The microphone. Thank you.

10 And this is Case Number 11-6994, 12-2298, 12-2299,
11 11-6995, 12-2300, and 12-3784.

12 Could I have appearances of counsel, please?

13 MR. MACK: Anthony Mack, Mack -- on behalf of Ciara
14 Stanley by her guardian, Camille Stanley.

15 THE COURT: Thank you.

16 MR. DAVIS: Nathaniel Davis for remaining
17 plaintiffs, Your Honor.

18 THE COURT: Thank.

19 MS. BENJAMIN: Good morning, Your Honor, Avion
20 Benjamin, assistant corporation counsel on behalf of the City
21 of Newark.

22 THE COURT: Okay. The reason that we're here is
23 for the formal "friendly" hearing. We were on the record,
24 Mr. Mack and Mr. Davis. Ms. Benjamin, were you here that --
25 then, as well as? Yes, you were.

1 MS. BENJAMIN: Yes.

2 THE COURT: And we had a discussion about a
3 proposed order to the Surrogate. So we're going to finalize
4 the case today and have all the parties attest to their
5 understanding of the settlement and issue a recommendation
6 for Judge Hayden, if all goes as expected.

7 So this case -- I'm going to outline the case, and
8 then if anybody needs to add to it or help me out with what
9 the facts are, I'm a little foggy as to the relationships of
10 everybody. So I may need help, Mr. Davis and Mr. Mack, as to
11 that.

12 But as I understand it, there's a minor -- one --
13 excuse me -- there was one minor plaintiff?

14 MR. DAVIS: No. There was several minor
15 plaintiffs, Your Honor.

16 THE COURT: Okay. And Ms. McKeon is the *guardian*
17 *ad litem* for Jarrett Chambers?

18 MR. DAVIS: Well, he's no longer a minor,
19 Your Honor. He's an adult now.

20 THE COURT: Right.

21 MR. DAVIS: At the time we settled the matter, he
22 has -- he was 18 years, he was an adult at the time.

23 THE COURT: Is he here today?

24 MR. DAVIS: This is Jarrett Parks [*sic*].

25 Jarrett --

1 THE COURT: Thank you for coming, sir.

2 And -- but at the time the settlement was accepted,
3 his *guardian ad litem* was Ms. McKeon?

4 MR. DAVIS: Yes, but she was -- he was adult at
5 that time, and he took -- he took ownership of his own
6 estate, Your Honor. He was an adult.

7 THE COURT: Oh, he did.

8 MR. DAVIS: Yes.

9 THE COURT: So there was no effective guardian in
10 his case?

11 MR. DAVIS: No.

12 THE COURT: All right. And who do we have on the
13 telephone?

14 MS. PAUL: Ktryna Paul.

15 THE COURT: Okay. Thank you.

16 So the allegations in the complaint, which was
17 filed November 29th, 2011, are that the -- the defendants
18 used excessive force in the scope of their employment,
19 resulting in the death of one Rahjon Chambers. And what is
20 Rahjon Chambers' relationship with Jarrett Chambers?

21 MR. DAVIS: Brother, Your Honor.

22 THE COURT: All right.

23 MR. DAVIS: At the time, he was also acting as a
24 guardian.

25 THE COURT: Brother-guardian.

1 MR. DAVIS: Yes.

2 THE COURT: I understand.

3 And this incident occurred on November 6th, 2010.

4 It is also alleged that there are deprivation of certain
5 civil rights, failure to follow practice and procedures,
6 failure to properly supervise, discipline, and control police
7 officers, failure to hire and train properly, and a
8 *respondeat superior* count, common law assault and battery
9 count, and a wrongful death count.

10 Does that summarize the allegations in the original
11 complaint?

12 MR. MACK: Yes, Your Honor.

13 THE COURT: And there were many counts of
14 violations of 42-1983, not just one civil rights count.
15 Correct?

16 MR. MACK: Yes, Your Honor.

17 THE COURT: All right. So I have -- and I have
18 been supplied by counsel in our prior hearing -- the
19 breakdown and settlement statement. And I want everyone here
20 to attest to the fact that they understand what the
21 settlement was and whether or not they agree with the -- the
22 settlement.

23 The gross recovery, as I understand it, was
24 \$350,000. Is that correct, Ms. Benjamin?

25 MS. BENJAMIN: Yes, Your Honor.

1 THE COURT: Mr. Mack?

2 MR. MACK: That's correct, Judge.

3 MR. DAVIS: Yes, Your Honor.

4 THE COURT: Okay. And do all the parties here --
5 let's introduce everybody so I know who's who on the record,
6 if you don't mind.

7 MR. DAVIS: Do you want them to stand up and
8 introduce themselves, Your Honor?

9 THE COURT: Sure.

10 MS. JOHNSON: Hi, I'm Marqueta Johnson, guardian to
11 Sanai Chambers.

12 THE COURT: Okay.

13 MR. CHAMBERS: I'm Jarrett Chambers, Rahjon's
14 brother.

15 THE COURT: Okay.

16 MS. LEWIS: Fatima Lewis, guardian of Rahmar
17 Chambers.

18 MS. JACKSON: Tihesha Jackson, guardian of Jason
19 Jackson.

20 MS. STANLEY: Camille Stanley, guardian of Ciara
21 Stanley.

22 THE COURT: All right. Thank you.

23 MR. DAVIS: And, Your Honor, there's -- on the
24 phone, Ktryna Paul.

25 THE COURT: Yes. And, Ms. Paul, what is your

1 position in this case? Is she a guardian?

2 MR. DAVIS: She's a guardian of Marlie Chambers and
3 Rahmar [sic] Chambers.

4 MS. PAUL: Marlie and Rahjon Chambers.

5 MR. DAVIS: Rahjon.

6 THE COURT: Okay. Okay. Thank you.

7 And so how many receiving parties are there in this
8 settlement total? The actual parties, not the guardians.

9 MR. DAVIS: Seven.

10 THE COURT: Seven. Okay. So \$350,000 is a gross
11 recovery. As I understand it, there were expert fees to
12 Dr. Chapman of \$8,344.50. There was a balance of -- last
13 time we met -- of \$3,334.50. Is that correct? Do you
14 remember that?

15 MR. DAVIS: Yes, Your Honor, we had to pay that
16 because he had filed a suit against us.

17 THE COURT: And I authorized you to disburse that
18 after you were in court.

19 MR. DAVIS: Yes. Yes, Your Honor.

20 THE COURT: Then there was a Dr. Ali Sadegh?
21 S-a-d-e-g-h, \$4,879. The balance owed was \$2,144. And that
22 was authorized for payment as well, as I understand.
23 Correct?

24 MR. DAVIS: Yes, Your Honor. He was the expert in
25 regards to motor vehicle liability expert.

1 THE COURT: Okay. With respect to deposition fees,
2 McCarthy, \$582; Robertella, police officer, 603.06; Police
3 Officer Fereira, 1381.38; Robles, 652.87; Domingues, 242.25;
4 and Holmes, 450.25. The autopsy report, \$1930.50; the
5 prosecutor's file, copying, 24.55 [sic]; copying service
6 38.09.

7 So the total in various expenses was \$19,128.35.
8 Correct?

9 MR. DAVIS: Yes, Your Honor.

10 THE COURT: All right.

11 Do all the guardians here and Mr. Chambers agree
12 and understand that those were the expenses that were
13 disbursed and -- out of the \$350,000? Were you aware of
14 that? Were you made aware of that?

15 UNIDENTIFIED SPEAKERS: Yes.

16 THE COURT:

17 MS. PAUL: Yes.

18 THE COURT: Okay. So everybody here, all the
19 guardians agree to that.

20 Where, in fact, are the -- the children, if you
21 will?

22 UNIDENTIFIED SPEAKERS: In school.

23 MR. DAVIS: In school, Your Honor.

24 THE COURT: Okay.

25 MR. MACK: Judge, Anthony Mack for Ms. Stanley.

1 For clarity of the record, if you recall, the case
2 was pending when Ms. Stanley retained my office, and we filed
3 a complaint, and they were merged. There were a few
4 additional expenses that pertained solely to Ms. Stanley, and
5 I submitted a settlement statement for her. And it was
6 attached to your report and recommendation that was filed on
7 February 4th, I believe. Ms. Stanley signed off on that.
8 She has that in front of her. I don't know if you want to go
9 over that one as well.

10 THE COURT: Could you please --

11 MR. MACK: Okay --

12 THE COURT: Would you find that, Mr. Mack?

13 MR. MACK: Okay. There was an expense that
14 pertained solely to Ms. Stanley for a deposition transcript
15 for \$88.50; her complaint filing fee for \$350; reimbursement
16 to my office for expenses paid to Dr. Chapman for \$500;
17 guaranteed subpoena for service of process \$264.90; and the
18 Surrogate filing fee of \$65.

19 THE COURT: And what's the grand total of that?

20 MR. MACK: The expenses -- the total of that --

21 THE COURT: Well, while you're figuring that out,
22 what I need to do is swear all the guardians.

23 MR. MACK: Okay.

24 And because there are so many guardians and
25 participants, again, I -- you're going to have to help me

1 with who you're the guardian for and what your understanding
2 is.

3 So let's start with the woman on the left, your
4 name again?

5 MS. JOHNSON: Marqueta Johnson.

6 THE COURT: Okay. Ms. Johnson.

7 M A R Q U E T A J O H N S O N, PLAINTIFF'S WITNESS, SWORN

8 COURT OFFICER: State your name again for the
9 record.

10 MS. JOHNSON: Marqueta Johnson.

11 THE COURT: Ms. Johnson, who are you the guardian?

12 MS. JOHNSON: Sanai Chambers.

13 THE COURT: And how old is she --

14 MS. JOHNSON: She's three.

15 THE COURT: She's three.

16 MS. JOHNSON: Yes.

17 THE COURT: All right. So she was really an
18 infant.

19 MS. JOHNSON: She was two years old at the time.

20 THE COURT: -- when this settled.

21 MS. JOHNSON: Yes.

22 THE COURT: All right. And you understand that
23 everything we discuss today is the final settlement. There
24 will be no separate or other action related to this case?

25 MS. JOHNSON: Yes, I do.

1 THE COURT: And do you know the amount of money
2 that you agreed to settle her case on her behalf was?

3 MS. JOHNSON: You mean the total? 350,000.

4 THE COURT: And do you remember what portion of
5 that she received, Mr. Davis?

6 MR. DAVIS: She was received a --

7 THE COURT: It was 37?

8 MR. DAVIS: -- gross recovery of 53,045.27.

9 THE COURT: That's the gross recovery?

10 MR. DAVIS: Yes, but a net recovery of \$39,341.89.

11 Each child had their own individual complaint
12 filed, and then they were merged. So she had a filing fee of
13 \$350; a Surrogate fee \$ of 65; and a deposition fee of
14 \$174.42.

15 THE COURT: And she is in school today and could
16 not be present?

17 MS. JOHNSON: Well, she could have been, but I
18 wasn't aware that I needed to bring her, because she's in
19 school.

20 THE COURT: Okay. Were there signed certifications
21 by each guardian?

22 MR. DAVIS: Yes.

23 THE COURT: I thought that's what you --

24 MR. DAVIS: Yes, they signed. They all signed the
25 release.

1 THE COURT: So they signed the release that this
2 money was in full satisfaction?

3 MR. DAVIS: Yes, Your Honor.

4 THE COURT: And how is she doing physically? Is
5 she healthy?

6 MS. JOHNSON: Yes, she's great. She's wonderful.

7 THE COURT: Okay. Are you satisfied with the --
8 you can sit down. You don't have to stand up.

9 Are you satisfied with Mr. Davis's services and
10 have you been satisfied with his services?

11 MS. JOHNSON: Yes.

12 THE COURT: Okay. Let's move on.

13 Mr. Chambers.

14 MR. CHAMBERS: Yes.

15 THE COURT: You were an adult at the time of this
16 settlement, 18. Is that correct?

17 MR. CHAMBERS: Yes.

18 THE COURT: And what was the amount, the settlement
19 that you received, if you remember?

20 MR. CHAMBERS: \$12,500.

21 THE COURT: And that is less than the settlement of
22 the other children. Do you understand that?

23 MR. DAVIS: Yes, Your Honor, there was the issue of
24 guardianship at that time, so they agreed to -- he would take
25 less -- less a settlement than the other children, because

1 | there was a issue with the guardianship.

2 | THE COURT: All right.

3 | MR. DAVIS: They said he was entitled to some
4 | monies from the brother's estate.

5 | THE COURT: Okay.

6 | MR. DAVIS: And as an adult, he -- I mean, he was
7 | given the option to seek legal counsel on that matter. And
8 | he -- I think he went to seek legal counsel, and he came back
9 | to me and agreed to that settlement amount.

10 | THE COURT: Without counsel? Without separate
11 | counsel?

12 | MR. DAVIS: Yes.

13 | THE COURT: All right.

14 | So, Mr. Chambers, you were not represented at the
15 | time of settlement?

16 | MR. DAVIS: He wasn't. He was represented at the
17 | time of settlement, Your Honor. But when -- when the
18 | parties -- when the parties had an issue of him receiving a
19 | full amount --

20 | THE COURT: Yes.

21 | MR. DAVIS: -- as the rest of the children --

22 | THE COURT: Yes.

23 | MR. DAVIS: -- I could not represent him on that
24 | matter, because there would be the conflict.

25 | THE COURT: Right.

1 MR. DAVIS: So he went and sought -- he was told to
2 seek other counsel in regards to that matter, whether there
3 would be another litigation as to whether he was entitled to
4 a full amount.

5 Rather than that, they worked out a compromise
6 amongst themselves and he would receive a lesser amount.

7 THE COURT: Okay.

8 Mr. -- Mr. Chambers, I have to be sure that you
9 understand and you agree to that voluntarily.

10 MR. CHAMBERS: Yes.

11 THE COURT: So the fact that you received
12 \$12,000-some-odd as opposed to \$37,000 that the others
13 received, about that in net, you understand that there's
14 obviously a difference in the amount you received and the
15 amount the other children received.

16 MR. CHAMBERS: Yes.

17 THE COURT: All right. And did you seek
18 independent counsel to advise you on that?

19 MR. CHAMBERS: No. No.

20 THE COURT: And you made your decision by yourself
21 to -- to talk with the guardians and the children and accept
22 less money?

23 MR. CHAMBERS: Yes.

24 THE COURT: And are you completely satisfied with
25 the amount of the settlement that you received?

1 MR. CHAMBERS: Yes.

2 THE COURT: Mr. Chambers, you know that you can't
3 come back and enter into any lawsuit because you want more
4 money from the estate. You understand that?

5 MR. CHAMBERS: Yes.

6 THE COURT: All right.

7 How are you doing now? Are you working? You?

8 MR. CHAMBERS: I'm in school now.

9 THE COURT: You're in school.

10 MR. CHAMBERS: Yes.

11 THE COURT: Where are you in school?

12 MR. CHAMBERS: At Barringer.

13 THE COURT: Okay. What do you go to school for?

14 MS. BENJAMIN: Finish high school.

15 THE COURT: Finish high school?

16 MR. CHAMBERS: Yes.

17 THE COURT: Okay. You got any plans after that?

18 MR. CHAMBERS: I'm going to Essex County and then
19 transfer out.

20 THE COURT: Essex County what?

21 MR. CHAMBERS: And then transfer out to -- state.

22 THE COURT: Oh, okay. And so what do you want to
23 be when you grow up?

24 MR. CHAMBERS: I don't even know yet. I --
25 something with computers.

1 THE COURT: Well, you keep an open mind. Good.

2 MR. CHAMBERS: I will.

3 THE COURT: So you're doing fine and everything's
4 okay in your life?

5 MR. CHAMBERS: Yes.

6 THE COURT: Okay. Good. Thank you.

7 MR. DAVIS: If you want to see, these are documents
8 that I had him sign recognizing that he had a right to go
9 seek of counsel.

10 THE COURT: Thank you. Let -- can we have that
11 copy? Because I don't think we have that. We'll make
12 copies.

13 MR. DAVIS: All right.

14 THE COURT: And these reflect your discussion with
15 him pertaining to the potential conflict and that he is
16 entitled to seek outside counsel. Is that correct?

17 MR. DAVIS: Yes, Your Honor.

18 THE COURT: Thank you.

19 All right. Who is next?

20 MS. LEWIS: Hi, my name is Fatima Lewis. I'm the
21 guardian of Rahmar Chambers.

22 THE COURT: And how would is he?

23 MS. LEWIS: He's four years old.

24 MS. BENJAMIN: Judge, I don't mean to interrupt
25 you --

1 THE COURT: Please do.

2 MS. BENJAMIN: But I know so far only the first one
3 has been sworn in. I don't know if you want to swear in
4 everybody individually.

5 THE COURT: Thank you so much, Ms. Benjamin.

6 I think that I have to remember to swear people in,
7 because the oath doesn't apply to everybody. So we're going
8 to swear Mr. Chambers in, and then we'll swear you and
9 Ms. Lewis. Okay?

10 MS. LEWIS: Okay.

11 THE COURT: Thank you, Ms. Benjamin.

12 The other thing I don't realize is that the record
13 is a recorder, so I don't ask people, if you look at the
14 transcript, to identify themselves, and the transcript has
15 you, Mr. Davis as some man speaking.

16 MR. DAVIS: That's all right.

17 THE COURT: So it's not your fault. I -- I just
18 assume the court reporter's putting Mr. Davis and Mr. Mack or
19 Ms. Benjamin, but there's no court reporter.

20 MR. DAVIS: Yes.

21 THE COURT: So as soon as Mr. Gorman comes out.

22 Mr. Gorman, we need to swear everybody. So we're
23 going to swear Mr. Chambers in retroactively. I'm sorry.

24 J A R R E T T C H A M B E R S, PLAINTIFF'S WITNESS, SWORN

25 COURT OFFICER: State your name for the record,

1 please.

2 MR. CHAMBERS: Jarrett Chambers.

3 THE COURT: All right. Before we swear everybody
4 else in, Mr. Chambers, you've just been sworn, but a few
5 minutes ago, you attested to the fact that you understood the
6 settlement, you understood that \$12,000-some-odd is
7 substantially less than the other children received, you
8 decided not to seek separate counsel, you accepted that
9 settlement voluntarily, and you understand that there will be
10 no further litigation in this case. Is that correct?

11 MR. CHAMBERS: Yes.

12 THE COURT: And therefore everything you told me
13 before, as now, is true. Correct?

14 MR. CHAMBERS: Yes.

15 THE COURT: Okay.

16 Mr. Gorman, let's just swear everybody in.

17 F A T I M A L E W I S, PLAINTIFF'S WITNESS, SWORN

18 COURT OFFICER: State your name, please.

19 MS. LEWIS: Fatima Lewis.

20 COURT OFFICER: Shall we do them all?

21 THE COURT: Yeah. Please. There's only two more.

22 And we have to swear Ms. Paul on the telephone too.

23 T I H E S H A J A C K S O N, PLAINTIFF'S WITNESS, SWORN

24 K T R Y N A P A U L, PLAINTIFF'S WITNESS, SWORN

25 COURT OFFICER: State your name.

1 MS. JACKSON: Tihesha.

2 THE COURT: Okay. That's good.

3 So, Ms. Paul, what's the -- what's your name? Your
4 first name?

5 MS. PAUL: Ktryna Paul.

6 THE COURT: Right. Okay. So Ms. Paul has been
7 sworn and?

8 MS. JACKSON: Tihesha Jackson --

9 THE COURT: Ms. Jackson has been sworn.

10 Okay. One more.

11 C A M I L L E S T A N L E Y, PLAINTIFF'S WITNESS, SWORN

12 COURT OFFICER: State your name for the record,
13 please.

14 MS. STANLEY: Camille Stanley.

15 THE COURT: Okay.

16 So, Ms. Lewis, I think we were -- we were working
17 on your guardianship.

18 MS. LEWIS: Rahmar Chambers.

19 THE COURT: And you stated that he was four years
20 old.

21 MS. LEWIS: Yes.

22 THE COURT: Correct? And at the time he was three
23 then? At the time of the settlement?

24 MS. LEWIS: Oh, no.

25 THE COURT: Two?

1 MS. LEWIS: He still was four years old. He's
2 going to be five.

3 THE COURT: Okay.

4 MS. LEWIS: So he still was four years old.

5 THE COURT: I understand. Thank you.

6 And do you feel that the settlement he received,
7 which was some \$37,000; is that correct?

8 MS. LEWIS: Yes.

9 THE COURT: After the attorneys' fees and the
10 different expenses were paid, do you feel that that was a
11 fair settlement?

12 MS. LEWIS: Yes.

13 THE COURT: Can we get -- was it 39,000, Mr. Davis?
14 Or 37? 39,397.58.

15 MR. DAVIS: 39 -- yes, 39,000.

16 THE COURT: Okay. Thank you.

17 And you understand that you can't come back to
18 court on his behalf in this case, that this is the end of the
19 case?

20 MS. LEWIS: Yes, I do.

21 THE COURT: And are you satisfied with your
22 representation in this case? Your lawyer?

23 Mr. Davis, did you -- did you represent?

24 MR. DAVIS: Yes.

25 THE COURT: She's not so sure she's satisfied with

1 you, though.

2 MS. LEWIS: Yes.

3 THE COURT: Are you sure? You can tell the truth.

4 MS. LEWIS: No, not really, but ...

5 THE COURT: Okay.

6 MS. LEWIS: It's okay.

7 THE COURT: All right. And does that have to do
8 with the settlement to this case?

9 MS. LEWIS: No.

10 THE COURT: Other issues that have nothing to do
11 with the settlement?

12 MS. LEWIS: Yes.

13 THE COURT: Okay. Thank you. Thank you very much.

14 MS. LEWIS: No problem.

15 THE COURT: So once again, you're satisfied with
16 the settlement on behalf of the child, and --

17 MS. LEWIS: Yes.

18 THE COURT: -- that'll be the end of his case.

19 And how is he doing? Is he in preschool or school?

20 MS. LEWIS: He's in pre-K.

21 THE COURT: Pre-K. Does he like pre-K?

22 MS. LEWIS: Yes.

23 THE COURT: Okay. Well, I guess it's good to like
24 it at 4. We'll see what happens after that.

25 All right.

1 Ms. Jackson.

2 MS. JACKSON: Yes.

3 THE COURT: Who --

4 MS. JACKSON: Excuse me. I'm very sorry. I'm
5 battling a cold.

6 THE COURT: Okay. Maybe move the microphone up to
7 him -- or Ms. Jackson. Thank you.

8 All right. So who are you the guardian for?

9 MS. JACKSON: Jason Jackson.

10 THE COURT: And how old is Jason Jackson?

11 MS. JACKSON: Jason is now 17.

12 THE COURT: 17. What is Jason doing?

13 MS. JACKSON: Right now?

14 THE COURT: Yes.

15 MS. JACKSON: He's in school.

16 THE COURT: He's in school?

17 MS. JACKSON: He's in senior year, a senior in high
18 school.

19 THE COURT: Where does he go to school?

20 MS. JACKSON: Montclair High School.

21 THE COURT: Oh, okay. I used to have an office on
22 Park Street right near the high school.

23 MS. JACKSON: It's two blocks from my house.

24 THE COURT: Oh, so you live down the street.

25 MS. JACKSON: I do.

1 THE COURT: Are you satisfied -- are you his
2 mother?

3 MS. JACKSON: Yes.

4 THE COURT: Okay. Are you satisfied with the
5 settlement and the monies that he received, which I believe,
6 again, was \$39,397?

7 MS. JACKSON: Yes, that is correct.

8 THE COURT: And you understand there will be no
9 more litigation, no more case, this is it, it's over with?

10 MS. JACKSON: Yes.

11 THE COURT: And you acted on his behalf and acted
12 on his behalf in his best interests. Is that correct?

13 MS. JACKSON: Yes.

14 THE COURT: All right. Are you having any trouble
15 understanding anything going on, anybody, today? So far?

16 MS. JACKSON: Do I have trouble?

17 THE COURT: Yeah, anybody. Does anybody have any
18 trouble?

19 MS. JACKSON: No.

20 THE COURT: Okay. Are you -- are you satisfied
21 with Mr. Davis?

22 MS. JACKSON: Not at all.

23 THE COURT: Okay. Does your dissatisfaction have
24 to do with this particular case?

25 MS. JACKSON: No. Does it have to do with the case

1 or the settlement?

2 THE COURT: The settlement.

3 MS. JACKSON: No.

4 THE COURT: All right. So nothing that Mr. Davis
5 has done would have changed your mind about the amount of
6 money that you received for your child?

7 MS. JACKSON: No.

8 THE COURT: All right.

9 Let's see.

10 Ms. Paul, why don't we get to you, and we'll save
11 Ms. Stanley for last.

12 Ms. Paul, you are guardian for?

13 (Pause in proceedings).

14 MS. PAUL: To -- and -- Chambers.

15 THE COURT: And what is your relationship with
16 them?

17 MS. PAUL: I'm their mother.

18 THE COURT: And you settled their case?

19 MS. PAUL: Yes.

20 THE COURT: And do you remember the amount of
21 settlement?

22 MS. PAUL: 30- -- 38,000, 39,000 around in there.

23 THE COURT: And are you happy with the settlement
24 that they received?

25 MS. PAUL: Yes.

1 THE COURT: And you understand that -- that that
2 some \$39,000 is the end of the case?

3 MS. PAUL: Yes.

4 THE COURT: Meaning, they can't go back to the
5 estate and challenge it or challenge the settlement after
6 today?

7 MS. PAUL: Yes.

8 THE COURT: All right. What -- what are they doing
9 now?

10 MS. PAUL: They're eight. So they're in the second
11 grade.

12 THE COURT: All right. Twins?

13 MS. PAUL: And they're both straight-A students.

14 THE COURT: All right. So how is it to have twins?

15 MS. PAUL: It's -- I guess it's easy because I
16 don't have any other children, so I don't know what it is to
17 have one. So it doesn't -- for me, but I'd imagine for
18 someone who only has one and then to have twins, it's
19 probably challenging.

20 THE COURT: Well, I can only assume having two
21 8-year-olds is very challenging as well.

22 And you're on the telephone because you live in?

23 MS. PAUL: I live in Las Vegas.

24 THE COURT: In Las Vegas, and the expense of
25 traveling here I determined would have been onerous. So I

1 appreciate --

2 MS. PAUL: Yes.

3 THE COURT: -- your spending time with us on the
4 phone. We're almost done.

5 You understand -- are you satisfied with your
6 attorney?

7 MS. PAUL: Yes.

8 THE COURT: Who represented you and the children?

9 MS. PAUL: Well, it started as Brian -- Associates,
10 but I guess it transferred over to Nathaniel Davis.

11 THE COURT: Okay. Anything else you want to say?

12 MS. PAUL: No. No.

13 THE COURT: All right. Let's go on to Ms. Stanley.
14 Ms. Stanley, who are you the guardian for?

15 MS. STANLEY: Ciara Stanley.

16 THE COURT: And is that your daughter?

17 MS. STANLEY: My daughter.

18 THE COURT: How old is she?

19 MS. STANLEY: She's 17.

20 THE COURT: And what is she doing?

21 MS. STANLEY: She's a junior in high school.

22 THE COURT: Is she having a pretty good high school
23 career?

24 MS. STANLEY: It's been some ups and downs, but
25 yeah, all in all.

1 THE COURT: Is that because you were the mother of
2 a teenage girl?

3 MS. STANLEY: Possibly.

4 THE COURT: Yes, I think that that is the beginning
5 of your ups and downs, and it will last for many years.

6 MS. STANLEY: Hopefully.

7 THE COURT: Anyway, you also agreed to settlement
8 on behalf of your daughter in the amount of
9 \$39,000-and-change, which is reflected in the settlement
10 statement?

11 MS. STANLEY: Correct.

12 THE COURT: And you understand that is the end of
13 this litigation completely.

14 MS. STANLEY: Yes.

15 THE COURT: You can't go back and try to get more
16 money from the estate.

17 MS. STANLEY: Correct.

18 THE COURT: And you did this on her behalf because
19 you thought it was in her best interests. Is that correct?

20 MS. STANLEY: Exactly.

21 THE COURT: Are you satisfied -- who represented
22 you?

23 MS. STANLEY: Mr. Davis.

24 MR. MACK: Mack.

25 THE COURT: Mr. Mack.

1 MS. STANLEY: -- yes. I'm sorry.

2 THE COURT: Are you satisfied with Mr. Mack's
3 representation?

4 MS. STANLEY: Yes.

5 THE COURT: All right. Do you have any questions
6 of the Court?

7 MS. STANLEY: No.

8 THE COURT: All right. Let me just go back, which
9 is your relationship with the child?

10 FEMALE SPEAKER: I'm her mother.

11 THE COURT: And who else did I miss?

12 We know you, Mr. Chambers.

13 And what is your relationship with the child?

14 FEMALE SPEAKER: I'm his mother.

15 THE COURT: Okay. So all the guardians here are
16 the mothers of the children, and they have agreed that they
17 have settled the case because they thought it was in the best
18 interests of their children.

19 Is that correct, everybody?

20 UNIDENTIFIED SPEAKERS: Yes.

21 THE COURT: All right.

22 MS. PAUL: Yes.

23 THE COURT: Thank you, Ms. Paul.

24 So I've reviewed the disbursements in the case, and
25 in light of counsel's representation that he understands and

1 abides by New Jersey Court Rule 1:21-7, I find them to be
2 fair and reasonable under the circumstances, as I have spoken
3 to, under oath, each of the guardians who are also the
4 mothers of the children that received the settlements.

5 I'm satisfied that the amounts are fair and
6 reasonable. I've reviewed the complaint. I've reviewed the
7 settlement statement. And based on the review of this
8 record -- of the record and the hearing today, I'm satisfied
9 that it adequately protects the interests of the children,
10 based on the allegations in the complaint.

11 I will -- based on the record, I will order that
12 disbursements be made according to the settlement statement.
13 The -- the fees were deposited with the Surrogate, Mr. Mack,
14 and --

15 MR. DAVIS: There's only one -- everyone except for
16 Ms. Lewis's money, that was -- I was about to transfer it in
17 when they had the hearing, so now that we've finished today,
18 I'll have it by the end of the week.

19 THE COURT: Okay.

20 MR. MACK: Yes, Judge, on behalf of Ms. Stanley, it
21 was -- and I have a property-only guardian certificate from
22 the Surrogate dated May -- February 7th, 2014.

23 THE COURT: All right. So in accordance with the
24 settlement statement, as I reviewed, there are \$19,000,
25 128 -- 19,128.35 dollars in -- in expenses. And there were

1 extra expenses, Mr. Mack, with respect to Ms. Stanley -- or
2 different expenses.

3 MR. DAVIS: Well, Your Honor, each -- each mother
4 had their own individual expenses in regards to their own
5 individual deposition and own individual service of the
6 complaint.

7 THE COURT: So those expenses that I read before,
8 that list of fees --

9 MR. DAVIS: That was -- that was the total for --

10 MR. MACK: For everyone.

11 MR. DAVIS: -- disbursed for everyone.

12 THE COURT: That included Ms. Stanley.

13 MR. MACK: Yes.

14 THE COURT: Okay. Good.

15 MR. MACK: That included Ms. Stanley, but then
16 after her case started, again, there were some additional
17 expenses for filing fees and a particular deposition to her
18 specifically, which totalled \$1,268.40. And you have a copy
19 of that --

20 THE COURT: Yes, I do.

21 MR. MACK: -- settlement statement.

22 MR. DAVIS: And each individual child has expenses
23 with regards to the filing fee, which is \$350 each. And
24 deposition fees, that was listed in the settlement.

25 THE COURT: The Surrogate filing fee of \$65 applies

1 to each guardian separately.

2 MR. DAVIS: Yes.

3 THE COURT: And, Ms. Stanley, you did sign off on
4 the settlement statement as well; correct? I have your
5 signature on your settlement statement. So you reviewed
6 those expenses.

7 MS. STANLEY: Yes.

8 THE COURT: Is that correct?

9 MS. STANLEY: Correct.

10 THE COURT: And your net settlement was \$38,000 --
11 I'm sorry, \$38,832.64 because of those -- those additional
12 expenses.

13 Just give me one minute.

14 I think that covers everything.

15 MR. DAVIS: Yes, Judge.

16 THE COURT: One last time, anybody else,
17 Ms. Benjamin, anything else you can help me with?

18 MS. BENJAMIN: No, Your Honor.

19 THE COURT: Thank you.

20 MR. MACK: Judge, I --

21 THE COURT: Mr. Mack, yes.

22 MR. MACK: One question. You did issue a report
23 and recommendation approving the settlement. I guess is
24 which -- where all this confusion that we discussed in the
25 conference call earlier came about, and that was filed

1 February 4th, 2014.

2 Is there going to be another -- another one filed,
3 or do we rely on this?

4 THE COURT: I think we're going to file a new
5 report and recommendation because we have to attach the
6 transcript.

7 MR. MACK: Okay.

8 THE COURT: So that was -- as I said, a discussion
9 of entering the order, more than a "friendly." This was the
10 "friendly" where the guardians were under oath.

11 MR. MACK: Understood.

12 THE COURT: The formal "friendly."

13 So based on the record before me, I will approve
14 the settlement and sent it back to Judge Hayden. She's got
15 to sign off on it. And that will happen as soon as we
16 possibly can do that.

17 So, Ms. Lewis, I know that you're waiting for the
18 funds. It should not be much longer.

19 MS. LEWIS: That's fine.

20 THE COURT: All right.

21 I really appreciate people taking time out of their
22 day. I know it's difficult to do that. But we did have to
23 do this. And I hope that this is officially the end the
24 case. Thank you for your time.

25 UNIDENTIFIED SPEAKERS: Thank you, Your Honor.

1 THE COURT: Thank you.

2 MS. PAUL: Thank you.

3 THE COURT: Thank you, Ms. Paul.

4 (Conclusion of proceedings at 11:27 A.M.)

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18 s/ *Sara L. Kern*

29th of May, 2014

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